

# **EXHIBIT 5**

**For Federal civil complaint**

**-- PLAINTIFF'S DECLARATION IN SUPPORT  
OF DOCUMENT #2 COMPLAINT, AND NEW  
EVIDENCE CONCERNING POSSIBLE  
DISHONESTY OF THE U.S. ATTORNEY  
OFFICE OF GREENSBORO, NORTH  
CAROLINA --**

**Brian David Hill v. Executive Office  
for United States Attorneys (EOUSA),  
United States Department of Justice  
(U.S. DOJ)**

**Civil Case Number 4:17-cv-00027**

Date: 9/5/2016  
Number of pages: 12  
Attn.: FOIA/Privacy Unit  
Recipient's number: T1202-252-6047  
Filename: C:\ProgramData\Venta\VentaFax & Voice 6\Out\FOIA Request to EOUSA\Error Correction: Yes\A\2\2016-09-05.tif  
File description: FOIA Request to EOUSA(Response to EOUSA)\2\2016-09-05.tif  
Recipient's Fax ID: 2022526047  
Record number: 4218  
Rate: 14400 bps

Time: 3:18:28 AM  
Session duration: 11:35  
To: U.S. Dept. of Justice, Executive Office for US Attorneys  
Message type: Fax

Page 1/6 - Response to FOIA Request to Exe. Office for U.S. Attorneys - 09/05/2016

**Response to FOIA Request to Executive Office for United States  
Attorneys – Re: FOIA-2016-03570**

**Monday, September 5, 2016 - 03:03 AM**

Thomas D. Anderson, Acting Assistant Director FOIA/Privacy Unit Executive Office for United States Attorneys U.S. Department of Justice	Room 7300, 600 E. Street, N.W. Washington, DC 20530-0001 Phone: (202) 252-6020 Fax to: (202) 252-6047
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Dear Thomas D. Anderson,

Pursuant to Title 5 U.S.C. § 552, Freedom of Information Act, I am filing this response Pro Se, as a respectful individual in his individual capacity, requesting a small number of specific records, if such records exist and can be located.

I specifically am modifying my FOIA Request formally requested on July 25, 2016. I have received your August 15, 2016 letter, in an envelope on September 3, 2016 as when delivered by the U.S. Postal Service. I have attached my signed copy of your "Brian D. Hill FOIA-2016-03570" form to this letter, as well as the letter that you have sent to me in regards to that FOIA Request. However this form and my modifications of my FOIA Request does not apply to my secondary FOIA Request regarding my request for my criminal Discovery Packet, as I feel I still have a right to have access to a copy of my Discovery packet evidence to amount an affirmative defense of "Frame Up" under Actual Innocence for a technical possession charge I was wrongfully convicted of on November 12, 2014. So I ask that this FOIA Request remain separate as the records sought are entirely of a different matter in my second request.

This is in response to FOIA Request #FOIA-2016-03570.

RECEIPT CONFIRMATION  
REQUESTED

**ORIGINAL FOIA REQUEST SPECIFICATIONS:**

The records I am requesting are any copies of email records, documents, memos, fax records, digital records, and voice messages. The records I am requesting is in reference to "Brian David Hill" and any cases or research involving "Brian David Hill" between the dates, January 2012 to August 2012. Any exchanges between the U.S. Attorney and anybody between those dates.

**MODIFICATION**

I modify my request as follows:

The records I am requesting from U.S. Attorney Ripley Rand or Assistant U.S. Attorney Anand Prakash Ramaswamy are any copies of email records or fax records in exchange with any individual or entity that I am listing below:

**Response to FOIA Request to Executive Office for United States Attorneys – Re: FOIA-2016-03570**

**Monday, September 5, 2016 - 03:03 AM**

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Page 2/6 - Response to FOIA Request to Exe. Office for U.S. Attorneys - 09/05/2016

Contact name to which may have exchanged information or had any contact with U.S. Attorney Ripley Rand or Assistant U.S. Attorney Anand Prakash Ramaswamy:	Contact email, fax number, phone number, and address to which may have exchanged information or had any contact with U.S. Attorney Ripley Rand or Assistant U.S. Attorney Anand Prakash Ramaswamy:	Position at the time of contact between May, 2012, and August, 2012:
Charles J. Caruso	Email: <a href="mailto:c_t_brim@embarqmail.com">c_t_brim@embarqmail.com</a> Phone: (336) 548-6038 Fax: (336) 548-3631 Address: 101 North 3rd Avenue Mayodan, North Carolina 27027	Chief of Police, Town of Mayodan
Christopher Todd Brim	Email: <a href="mailto:c_j_caruso@embarqmail.com">c_j_caruso@embarqmail.com</a> Phone: (336) 548-6038 Fax: (336) 548-3631 Address: 101 North 3rd Avenue Mayodan, North Carolina 27027	Police Detective Sergeant, Town of Mayodan
Melanie Bridge	Email: <a href="mailto:melanie.bridge@nccourts.org">melanie.bridge@nccourts.org</a> or Alternate email: <a href="mailto:melanie@melanieforda.com">melanie@melanieforda.com</a>  District Attorney's Office Prosecutorial District 17A PO Box 35 Wentworth, NC 27375 Phone: (336) 634-6010 Fax: (336) 634-6011	Assistant District Attorney of Rockingham County, North Carolina – Sister of Reidsville, NC City Police Detective Robert Bridge
Philip E. Berger Jr.	Email: <a href="mailto:philip.e.berger@nccourts.org">philip.e.berger@nccourts.org</a> District Attorney's Office Prosecutorial District 17A PO Box 35 Wentworth, NC 27375 Phone: (336) 634-6010 Fax: (336) 634-6011	District Attorney of Rockingham County, North Carolina – Son of State Senator and Town of Mayodan Attorney Philip Edward Berger Senior.
Philip E. Berger Sr.	Email: <a href="mailto:Phil.Berger@nccleg.net">Phil.Berger@nccleg.net</a> Address (1): P.O. Box 1309, Eden, NC 27289-1309 Phone (1): (336) 623-5210 Address (2): 16 W. Jones Street, Room 2007, Raleigh, NC 27601-2808 Phone (2): (919) 733-5708 Fax: is N/A at this time	State Senator and President Pro Tempore of North Carolina, Town Attorney of Mayodan, NC, and employee of the Berger Law Firm in Madison, NC.
Lessa Hopper – Also known under different variation of name such as Melissa K. Hopper	Email: <a href="mailto:mhopper@townofmayodan.com">mhopper@townofmayodan.com</a> Phone: (336) 427-0241	Town Clerk, Finance, Town of Mayodan, NC-CMC, IIMC-CMC

	Address: 210 West Main Street Mayodan, NC 27027 - James A. Collins Municipal Building	
Michael M. Brandt	Email: <a href="mailto:mbrandt@townofmayodan.com">mbrandt@townofmayodan.com</a> Phone: (336) 427-0241 Address: 210 West Main Street Mayodan, NC 27027 - James A. Collins Municipal Building	Town Manager, Administration, Town of Mayodan, AICP

The records I am requesting is in reference to the criminal case matter involving myself "Brian David Hill" and any research involving "Brian David Hill" between the dates, May 2012 to August 2012.

The records are for the component of the U.S. Attorney Office in Greensboro, N.C., under Ripley Rand and Assistant Anand P. Ramaswamy. The federal case is now closed and has been closed since November 12, 2014. Appeal had been filed but was untimely.

The Fee Category I am filing this request through is as follows:

Disability and indigent status: The request is pertinent to investigating the truth. I am indigent and qualify under Social Security to receive SSI Disability income, and that I qualify for a caretaker under Virginia Medicaid. Since I live off of SSI disability, I cannot afford any fees over \$75. So I like to be notified in advance, if I have to pay any fees per this FOIA request.

I have also checked that the request be limited to two hours. As searching for specific email records and fax communication records by the listed contact parties, see above, and any contact with U.S. Attorney Ripley Rand and/or Assistant U.S. Attorney Anand Prakash Ramaswamy between May, 2012, to August, 2012, are specific and very well limited. The cost for searching up such records should be far cheaper then what I had originally requested. It shouldn't take up much time to research the less broader records.

I request a "Fee Waiver" on the specific ground of investigating the truth to help prove that I was "framed" with possession of child pornography to be found Actually Innocent. To be found Actually Innocent means that I can petition to be removed from the Virginia Sex Offender Registry for innocence to the criminal charge. False(What I consider in regards to myself) Sex Offender registrations due to ineffective assistance of counsel and wrongful convictions delude the difference between real Sexual Offenders and Frame Up victims. Even Anand Ramaswamy even acknowledged that I believe I "was set up."

Media has taken interest in the matter of which I resolve the ongoing issues in my Federal criminal case. We Are Change NC news reporter/Journalist Aaron Kesel has taken an interest in continuing to receive updates from me regarding my criminal case to write future news article postings on [wearechange.org](http://wearechange.org). I have also contacted the

**Greensboro News & Record, and a news reporter from there has agreed to consider mentioning about my criminal case in their newspaper once I file a Motion for a New Trial or 2255 Motion.**

**There is a lack of confidence in my Federal criminal conviction which will lead to lack of public confidence in the Federal Court system. Everyone I have spoke to that has investigated my criminal case has doubts about the legitimacy of my guilty plea and my criminal conviction. The number of people doubting my factual guilt will only increase as there are greater efforts to educate people on the fault of my criminal case by faulty prosecutorial evidence.**

**For the public good, as the public interest will slowly increase overtime as I continue battling to find out the truth, for overturning my wrongful conviction and increase the confidence in the Sex Offender Registry, it is of public interest that Fees be reduced or waived to sustain my FOIA Request for myself while I am only receiving Social Security Disability (SSI) income. Higher fees will cripple my ability to investigate the truth, find records that can help me find out the truth, and be able to resolve the ongoing issues of my criminal case. Yes my case is technically closed, yes I been technically convicted, but in my opinion my criminal conviction is only of a technical nature but is losing the moral high ground.**

**I will continue contacting news reporters and get more media involved in my criminal case to watch as I continue fighting to prove my Actual Innocence, that I was framed with child pornography for political reasons which may include State of North Carolina and local officials. State of N.C. even is considered my victim, how odd.**

**I also am willing to swear under Declaration that I have managed to apply for an Innocence Clinic in North Carolina to which has accepted the criteria of my wrongful conviction, and is awaiting further review/evaluation by the law school students but I am confident that they will take my criminal case due to my Affidavit of Actual Innocence and other evidence issues that were brought to their attention. I am conducting all of these Pro Se legal efforts to gather more evidence to convince more Innocence Clinics to demand answers on my false guilty plea and bring Actual Innocence grounds into reality by finding newly discovered evidence.**

**So because I am getting media involvement and I am not sure what you consider as a qualified "media representative" or that media has taken an interest in my case, but We Are Change is "alternative media" and does promote stories regarding Government in a truthful and factual manner. Because We Are Change is interested in my case, as well as an Innocence Clinic, and because of deteriorating credibility of the Sex Offender Registry by adding sexual virgins and frame up victims, it is of public interest to consider reducing the Fees for my FOIA Request and maybe even consider the expedited track. I can FAX a declaration with Exhibits of news articles that mentioned my current criminal case as proof of media involvement to support my request for Fee Waivers. Another news media outlet mentioning about my criminal case is from news reporter Steve Green of the Orange County Register in California, and was once apart of the Las Vegas Sun newspaper in Nevada, when he was reporting on my Righthaven case in Federal Court.**

I like to receive a written response after successfully receiving and processing this FOIA Request response. I request a written response from the FOIA Acting Assistant Director upon successful receipt of this letter and attached "Declaration(Statement under Penalty of Perjury): Release Statement."

  
Signed  
**USWGO**

Thank You & Sincerely,  
Brian D. Hill  
Former news reporter & Founder of USWGO Alternative News  
Home Phone #: (276) 790-3505  
310 Forest Street, Apt. 2. Martinsville, VA 24112

**(Attachment to 5-page Letter)**  
**Declaration(Statement under Penalty of Perjury):**  
**--Release Statement--**

Declaration authorized by Title 28 U.S.C. § 1746

I declare that I am Brian David Hill, that I am currently a U.S. Citizen, and that I am born on May 26, 1990. My SS# is Rule 5.2 0319.

I am requesting records concerning myself. I am the person that is seeking the records concerning myself.

I grant myself permission to request records that contain personal and confidential information on myself.

I live off of my SSI disability and I do not work a job. So I live off of a limited income. I am disabled.

Ever since my wrongful criminal conviction on November 12, 2014, I have increased my efforts of investigating the truth to help prove that I was "framed" with possession of child pornography to be found Actually Innocent in a 2255 Motion or file newly discovered evidence in a Rule 33 Motion before June 10, 2017, to request a New Trial to be acquitted. I want to prove my Innocence so that I can be found Actually Innocent, so that I can petition to be removed from the Virginia Sex Offender Registry for innocence to the criminal charge against me. I consider myself a Sex Pretender and do not recognize my criminal conviction as legitimate, I don't recognize myself as a Sexual Offender. Even Anand Ramaswamy even acknowledged that I believe I "was set up" at the Revocation hearing or some other hearing at the U.S. Courthouse.

I have also requested Legal Assistance from Innocence Projects and/or Clinics. I have received multiple letters from one Innocence Clinic that shows they have taken an interest for their law students to review over my claims of innocence. I believe that my case will be reviewed sometime in September or October, 2016. I am also exhausting every effort in my power to get evidence reviewed to see if I can overturn my criminal conviction.

I am conducting Pro Se legal efforts to gather more evidence to convince more Innocence Clinics to demand answers on my false guilty plea and bring Actual Innocence grounds into reality by finding newly discovered evidence. I am also attempting to get more media involvement to strengthen my public outreach in America. I also am aware that my friends and/or family are making efforts to get my criminal case to public outreach on the internet to get more public interest in the outcome of getting my wrongful conviction overturned.

I consider all FOIA Requests pertinent to pursuing the truth, to be of public interest and of importance in confidence of Government. Wrongful criminal convictions delude the confidence in our criminal justice system, and pushes people towards vigilante justice or to push for efforts to abolish the courts of law or even of abolishing or reforming the police. I consider pushing for Justice to correct my wrongful conviction by proving that I was framed with child pornography, even though I am considered technically guilty of possession itself, it doesn't change the FACT that a "Frame Up" is Actual Innocence as an Affirmative Defense. People that were framed with child pornography are NOT child porn collectors and should not be punished the same as child molesters and pedophiles, in my personal opinion and belief. I am sure every reasonable Juror would agree with me, that people framed with child pornography images/videos should not be convicted as such convictions will lead to Sex Offender Registration of "Frame Up" victims. It will lead to discrimination and a lack of morals in such Sex Offender Registration. In my opinion, being framed with child porn is not moral and such acts of framing another person with child porn are cowardly in my opinion. It is about assassinating somebodies character.

My character was assassinated on August 28, 2012, when I was raided by Mayodan Police for being framed with child pornography. It was an effort to shut down USWGO Alternative News at uswgo.com domain name. I believe it was an effort to force me on the Sex Registry and force me off of the internet. The police even acknowledged to my family that I should never be allowed to use a computer again, as they were also aware of my political opinions online in 2012.

My FOIA Requests help determine my future on whether I should overturn my wrongful criminal conviction. They help to determine whether I can uncover the truth as Ryan Ferguson is trying to do on his new MTV TV Show "Uncovering the truth". I only want to uncover the truth and get a real private investigation into my criminal case. I want to know how I was framed with child porn, who could have framed me with child pornography, when I was framed, and why I was framed. Was it by a computer hacker, or planted evidence by law enforcement, or both?

My FOIA Request is for the sake of resolving the issues I have in my criminal case, the public issues I had filed on Docket Pro Se, and to uncover the truth. I want to file these FOIA Requests to seek justice, since I am poor and cannot afford to buy Justice in our State and Federal Courts. Justice requires money to pay for highly skilled Defense Attorneys and expert witnesses. I was denied effective assistance of counsel and denied opportunity to present expert witnesses to prove my Actual Innocence. I want to prove my Actual Innocence. I want to overturn my wrongful conviction.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 5, 2016.

Brian D. Hill  
Signed

Signed  
Brian David Hill(Pro Se)  
310 Forest St., Apt. 2  
Martinsville, VA 24112  
Phone #: (276)790-3505

**THIS IS NOT A BILL. DO NOT SEND MONEY**

Brian D. Hill FOIA-2016-03570

**CHOOSE ONE**

Please do not search any longer. I understand that I am entitled to the first 100 pages free. Please do not search beyond two hours, nor duplicate beyond 100 pages.

I wish to withdraw my request.

I wish to modify my request in an attempt to reduce fees or to obtain a quicker response, as follows:

Modification of my FOIA Request is stated in letter

Response to FOIA Request to Executive Office for United States Attorneys – Re:

FOIA-2016-03570, dated Monday, September 5, 2016, and will be faxed on

Monday, September 5, 2016. Modification of my FOIA Request to help make it

less costly to find such records if they exist.

BH I agree to pay up to the following amount for search time: \$ 75.00

I understand that this payment is required even if no documents are located or released to me. In the event that documents are located and released to me, I understand that I may be charged duplication fees in addition to search fees.

Brian D. Hill  
Signed U.S.W.G.O.  
Signature

September 5, 2016

Date

Please return to:

EOUSA  
FOIA/PA  
600 E Street, N.W., Room 7300  
Washington, DC 20530



**U.S. Department of Justice**  
Executive Office for United States Attorneys  
Freedom of Information & Privacy Staff  
600 E Street, N.W.  
Suite 7300, Bicentennial Building  
Washington, DC 20530-0001

(202) 252-6020 FAX: 252-6047 ([www.usdoj.gov/usao](http://www.usdoj.gov/usao))

August 15, 2016

Brian D. Hill  
310 Forest St., Apt. 2  
Martinsville, Virginia 24112

Re: Request Number: FOIA-2016-03570  
Date of Receipt: July 25, 2016  
Subject of Request: Self (Hill) Middle District of North Carolina

Dear Mr. Hill:

The purpose of this letter is to acknowledge receipt of your Freedom of Information Act/Privacy Act request dated July 25, 2016 and received in the Executive Office for United States Attorneys (EOUSA) on July 25, 2016. You requested specific records concerning yourself. Your request has been assigned Tracking Number FOIA-2016-03570.

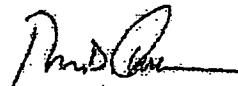
For your information, EOUSA assigns incoming requests to one of three tracks: simple, complex, or expedited. Each request is then handled on a first-in, first-out basis in relation to other requests in the same track. As an estimate, the likely median response time for simple requests is approximately 30 business days, whereas complex requests necessarily take longer. At this time, your request has been assigned to the Complex track.

Please be advised that there may be certain costs associated with processing your request. Consequently, you may be responsible for paying those costs, unless you have requested and been granted a waiver or reduction in fees. In most instances, the first 100 pages to duplicate and the first two hours to search for records responsive to your request, will be provided to you free of charge. Thereafter, search and review fees by professional personnel are charged at \$40 per hour and duplication fees are assessed at five cents per page.

Requests that are specific, concrete and of limited scope (in time and/or subject matter) generally enable us to respond to you more quickly and possibly assess less fees. You may decide to limit or reduce the estimated fees, or obtain a quicker response, by modifying your request in one or more ways specified in the attachment to this letter. If after making those allowances we determine that the cost to process your request will amount to more than \$25.00, we will notify you in writing at a later date.

If you have any questions regarding any aspect of your case, you may contact EOUSA by telephone or in writing using the contact information listed above. Please refer to your assigned tracking number, should you contact EOUSA seeking information about your request.

Sincerely,



Thomas D. Anderson  
Acting Assistant Director

Attachment

Form No. 001 - 6/12

**THIS IS NOT A BILL. DO NOT SEND MONEY**

Brian D. Hill FOIA-2016-03570

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**I understand that this payment is required even if no documents are located or released to me.** In the event that documents are located and released to me, I understand that I may be charged duplication fees in addition to search fees.

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Signature

---

Date

Please return to:

EOUSA  
FOIA/PA  
600 E Street, N.W., Room 7300  
Washington, DC 20530

U.S. Department of Justice  
Executive Office for United States Attorneys  
FOIA/DC  
600 F. N. NW  
Rm. 7300 BIRN  
Washington D.C. 20530  
Official Business

2016 AUG 30 11:30 AM (EDT)  
2016 AUG 30 11:30 AM (EDT)

Case 4:17-cv-00027-JLK-RSB Document 39-5 Filed 09/06/17 Page 13 of 14 Pageid#: 737

X-RAYED

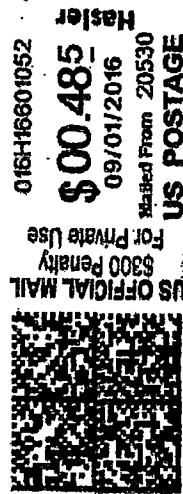
AUG 29 2016

DOJ MAIL ROOM

14-03572  
Brian Hill  
NIXIE 274 DC 1 0008/29/16  
RETURN TO SENDER  
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SC: 20530 \*2931-03953-15-46

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Official Business



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